

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

ANDREW SAYERS,

Plaintiff,

v.

ACTIVISION BLIZZARD, INC., et al.,

Defendants.

CIVIL ACTION NO.: 4:24-cv-00078

ORDER

This action concerns Plaintiff Andrew Sayers’s alleged addiction to video games. In two separate Orders, the Court recently compelled arbitration and stayed the proceedings as to certain defendants, (doc. 156), and dismissed without prejudice Plaintiff’s Amended Complaint, (doc. 157). Those Orders, however, inadvertently left unresolved two older Motions which the Court, for the reasons set forth below, now **DENIES as moot**. (Docs. 80 & 81.)

In his Original Complaint, Plaintiff sued a number of entities for torts arising from the design, marketing, and distribution of various video games. (Doc. 1.) In response to the Original Complaint, the original defendants filed a collection of motions to compel arbitration and motions to dismiss. Among these, Defendants Activision Blizzard, Inc., and Treyarch Corp. (the “Activision Defendants”) filed a joint Motion to Compel Arbitration and Stay Proceedings. (Doc. 72.) The Activision Defendants also joined five other Defendants (which have since been dismissed from this case) in filing an “alternative” Motion to Dismiss, which asked for dismissal of the Original Complaint “in the event the Court denies their [] pending arbitration motions.”

(Doc. 80, p. 2 n.1.) Separately, Roblox Corporation filed its own Motion to Dismiss the Original Complaint. (Doc. 81.)

Before the Court ruled on the Activision Defendants' or Roblox Corp.'s motions to dismiss the Original Complaint, Plaintiff filed an Amended Complaint. (Doc. 96.) Both the Activision Defendants and Roblox Corp. thereafter filed new Motions to Dismiss, directed toward the Amended Complaint. (Docs. 122 & 123.) The Court has since disposed of both of these Motions. (See docs. 156 (granting Motion to Compel Arbitration and dismissing without prejudice the Activision Defendants' Motion to Dismiss the Amended Complaint) & 157 (granting in part and denying in part Roblox's Motion to Dismiss the Amended Complaint).) However, the Court inadvertently failed to dispose of the Activision Defendants' and Roblox Corp.'s older Motions to Dismiss the *Original* Complaint, (docs. 80 & 81). "An amended complaint supersedes the original complaint, and thus renders moot a motion to dismiss the original complaint." S. Pilot Ins. Co. v. CECS, Inc., 15 F. Supp. 3d 1284, 1287 n.1 (N.D. Ga. 2013) (citing Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006)); see also United States v. Gilbane Fed. Co., No. 1:21-cv-35, 2022 WL 22893179, at *1 n.1 (S.D. Ga. June 8, 2022). Plaintiff's Amended Complaint therefore rendered moot both the motions to dismiss Plaintiff's Original Complaint. The Court accordingly **DENIES as moot** the Activision Defendants' Motion to Dismiss the Original Complaint, (doc. 80), and Roblox Corp.'s Motion to Dismiss the Original Complaint, (doc. 81).

SO ORDERED, this 12th day of September, 2025.



R. STAN BAKER, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA